

ORIGINAL

(5)
5-7-02
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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAWN JORDAN,
Plaintiff

v.

DAVID J. WAKEFIELD, et al.,
Defendants

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No. 1:CV-00-1387
(Judge Caldwell)

FILED
HARRISBURG, PA

MAY 06 2002

MARY B. ANDREA, CLERK
Deputy Clerk

**DEFENDANTS' BRIEF IN OPPOSITION
TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

Plaintiff has asked the Court to compel the defendants to respond to certain of his discovery requests. Specifically, plaintiff complains that he was denied the opportunity to inspect and copy his medical records and that the defendants have failed to respond to interrogatories and requests for production of documents served in February of 2002. By order dated April 22, 2002, the Court directed defendants to advise it whether the issues raised by Jordan have been resolved to the satisfaction of both parties or the precise nature of any remaining discovery disputes. This brief is submitted in accordance with that order.

Jordan's "second" motion to compel concerns his inability to view medical records which the defendants agreed to make available to him in response to a previous request for documents. Counsel for the defendants has written to the Assistant to the Superintendent and asked that plaintiff's medical records be

produced for his inspection and copying this week. See copy of letter to Jeffrey Rackovan dated May 6, 2002, attached as Exhibit 1. Mr. Rackovan assures counsel that this will be accomplished. We think this will resolve plaintiff's dispute raised in his "second" motion to compel.

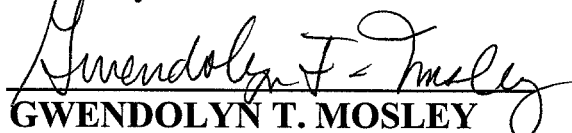
In discovery served on or about February 20, 2002, plaintiff sought information concerning his medical condition. Defendants have responded in writing to plaintiffs' discovery, stating that the information responsive to it is contained in his medical records which are being produced. See copy of Defendants' Answers to Plaintiff's Interrogatories and Request for Production of Documents, attached as Exhibit 2. We think that this will resolve the issue raised in plaintiff's "third" motion to compel.

Counsel is not aware of any other discovery disputes.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


GWENDOLYN T. MOSLEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
717-787-1180
DATE: May 6, 2002

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

May 6, 2002

Memo

To: Jeffrey Rackovan
Assistant to the Superintendent
SCI-Rockview

From: Gwendolyn T. Mosley *G. T. Mosley*
Senior Deputy Attorney General
Office of Attorney General

Re: Medical Records of Shawn Jordan, #BI-8942

Plaintiff Shawn Jordan has asked to see his medical records through discovery and I, as counsel for the defendants, agreed to produce them for his inspection and copying. However, when Mr. Jordan attempted to make arrangements to view these records with the Medical Department, he was refused. I would appreciate it if you would take the steps necessary to ensure that Mr. Jordan has access to his medical records sometime this week. He will be advised that he must pay for any photocopies of these records that he wishes to have at the institutional rate.

Please advise me right away if you require anything more from me in order to take care of this matter.

Thank you for your assistance.

GTM/ss

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**DEFENDANTS' ANSWERS TO PLAINTIFF'S
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

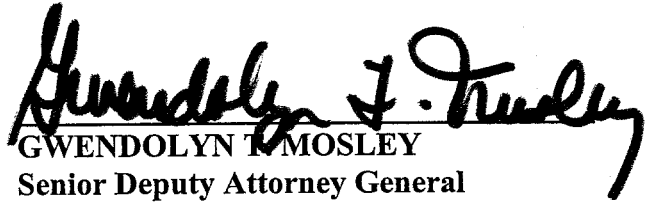
"1. What year, month, and day was plaintiff first dianosed [sic] with a respiratory disease (asthma), produce any and all documents of plaintiff medical records related to his respiratory disease (asthma)."

ANSWER: The information responsive to this interrogatory is contained in plaintiff's medical records which will be produced for inspection and copying at SCI-Rockview. Plaintiff must photocopy the documents he wishes at his own expense at the normal institution rate.

"2. What kind of condition was plaintiff health was in before, plaintiff was dianosed [sic] with a respiratory disease. Produce any and all documents of plaintiff medical records related to plaintiff health condition."

ANSWER: The information responsive to this interrogatory is contained in plaintiff's medical records which will be produced for inspection and copying at SCI-Rockview. Plaintiff must photocopy the documents he wishes at his own expense at the normal institution rate.

By:


GWENDOLYN T. MOSLEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
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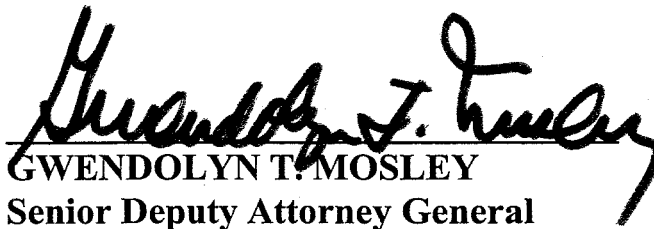
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No. 1:CV-00-1387
(Judge Caldwell)

CERTIFICATE OF SERVICE

I, Gwendolyn T. Mosley, Senior Deputy Attorney General, hereby certify
that on this date I caused to be served the foregoing, **Defendants' Answers to
Interrogatories and Request for Production of Documents** by depositing a copy
of the same in the United States mail, postage prepaid, in Harrisburg, PA.,
addressed to the following:

Shawn Jordan, #BI-8942
SCI-Rockview
Box A
Bellefonte, PA 16823-0820


GWENDOLYN T. MOSLEY
Senior Deputy Attorney General

DATE: May 6, 2002

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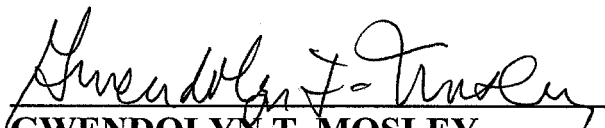
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No. 1:CV-00-1387
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CERTIFICATE OF SERVICE

I, Gwendolyn T. Mosley, Senior Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing, **Defendants' Brief in Opposition to Plaintiff's Motion to Compel Discovery** by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Shawn Jordan, #BI-8942
SCI-Rockview
Box A
Bellefonte, PA 16823-0820


GWENDOLYN T. MOSLEY
Senior Deputy Attorney General

DATE: May 6, 2002